

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES**

**ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER**

**May 8, 2018 – 5:30 P.M.**

On roll call, the following commissioners were present: Don Keese, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe and Bob Cooper. Commissioner Josh Carson was absent.

Chairman Sharpe then called for the vote on the minutes from the April 10, 2018, meeting. Commission Sharpe made one amendment. A motion was made and seconded to approve the minutes as corrected.

Ms. Brenda Andrews spoke on the procedures.

**1. Stonecrest Addition Subdivision- Final Plat, Lots 1-32 and Tracts A & B-McClelland Consulting Engineers, Inc.**

Ms. Brenda Andrews read the staff report indicating approval of the proposed final plat would facilitate the development of 32 duplexes. Ms. Andrews stated the existing zoning is Residential Single Family-Duplex Medium/High Density (RSD-3). Ms. Andrews further stated that the RSD-3 zoning district provides for medium to high density, compact single family detached and duplex development on new sites and as infill construction.

Adam Less, project engineer with McClelland Consulting Engineers, Inc. was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the final plat with staff comments, subject to the following:

- Board approval of a Temporary Revocable License to allow fencing and brick columns in public utility easements.
- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county clerk.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

**2. Off-Site Parking; A request by Reagan Angus, owner, for a remote parking agreement at River Valley Gymnastics at 4615 South 16<sup>th</sup> Street.**

Ms. Maggie Rice read the staff report indicating approval would allow River Valley Gymnastics to have the minimum number of required off street parking spaces. Ms. Rice stated a minimum of 40 parking spaces are required for River Valley Gymnastics and their property only has 14 onsite parking spaces. With the shared parking agreements, Mr. Angus has 40 spaces thus satisfying the parking requirements for the proposed use.

Reagan Angus, owner, was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the remote parking agreement, subject to the following:

- The remote parking agreement must be filed with the Sebastian County Clerk's office and copies of file- marked agreements provided to the Planning Department.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

**3. Subdivision Variance #14-5-18; A request by Ricky Hill, agent, for Danny and Brooke Loe, for a variance from UDO Section 27-503-2(E) (access on residential collector) at 4902 East Valley Road.**

Ms. Brenda Andrews read the staff report indicating approval of the subdivision variance would allow the owner to subdivide the subject property into two lots. Ms. Andrews stated that the new lot would provide a circle driveway for a future single-family residence that would have access onto East Valley Road, which is classified as a Residential Collector.

Ricky Hill, agent, was present to represent this application.

No one was present to speak in favor or opposition of application.

Chairman Sharpe called for a vote on the subdivision variance, subject to the following:

- Approval is contingent upon the submitted site plan that shows a circle drive on the Tract 1. Other approved maneuvering or 'turnaround' designs must be approved by the Planning and Engineering Department of the City.
- The approval of this subdivision variance is for the future development of a single family home.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced the item was approved.

**4. Master Land Use Plan Amendment #4-5-18; A request by Ron Brixey, agent, for Goodson's Enterprises, Inc., and Eugene Kersh, for a Master Land Use Plan Amendment from Office Research and Light Industrial to Commercial Neighborhood at 5500 Massard Road.**

**5. Rezoning Application #13-5-18; A request by Ron Brixey, agent, for Goodson's Enterprises, Inc., and Eugene Kersh, for a zone change from Planned Zoning District (PZD) to Commercial Light (C-2) by extension at 5500 Massard Road.**

Ms. Maggie Rice read the staff report indicating approval of the Master Land Use Plan Amendment and Rezoning would allow a potential buyer to utilize the existing building as a bike shop with portions of the building being rented for retail or commercial uses. Ms. Rice stated that a neighborhood meeting was held Thursday, April 26, 2018, at the Dallas Street Branch Library. One surrounding property owner was in attendance, but did not have any objections.

Ron Brixey, agent, was present to represent this application.

No one was present to speak in favor or opposition of these applications.

Chairman Sharpe called for a vote on the Master Land Use Plan Amendment, subject to the following:

- Contingent upon the approval of the companion rezoning application.

The vote for the Master Land Use Plan Amendment was 7 in favor and 1 abstention (Cooper). Chairman Sharpe announced that item was approved.

Chairman Sharpe then called for a vote on the Rezoning.

The vote for the Rezoning was 7 in favor and 1 abstention (Cooper). Chairman Sharpe announced that item was approved as well.

**6. Home Occupation #4-5-18; A request by Pilhyun You for clothing alterations at 4319 S. 22<sup>nd</sup> Street.**

Ms. Maggie Rice read the staff report indicating approval of the Home Occupation would allow the applicant to operate a clothing alterations business from the home. Ms. Rice stated that the property currently has five parking spaces with the existing driveway. The five spaces will accommodate the applicant's two cars and any customer parking on the site. Ms. Rice further stated that the applicant understands and has confirmed that customers will be by appointment only as indicated on the application. The applicant has also confirmed that no items will be drop-shipped or delivered to the residence.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the Home Occupation, subject to the following:

- All minimum requirements for Home Occupations and the statements listed in the Home Occupation application.
- The business license cannot be transferred to another residence without a new Home Occupation Application.

The vote was 8 in favor and 0 opposed. Chairman Sharpe announced this item was approved.

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**7. Variance #15-5-18; A request by Ricky Hill, agent, for Colt Smith, for the following variances; 1.) From 25' to 10' interior side-yard setback (south property line on proposed Tract 2); 2.) From 25' to 10' interior side-yard setback (north property line on proposed Tract 3); and 3.) From 20' to 0' and 20' to 15' rear-yard setback on proposed Tract 3 at 8220 Highway 271.**

Ms. Maggie Rice read the staff report indicating approval of the following variances would allow the property owner to subdivide the property for future sales. Ms. Rice stated the applicant claims hardship due to the locations of the existing buildings, which do not allow compliance with the required minimum 25' interior side yard setbacks or the 20' rear yard setback. Ms. Rice stated that without the variances, the property cannot be subdivided and sold as individual lots.

Ricky Hill, agent, was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Sharpe called for a vote on the following variances, subject to the following:

- Approval is based on the submitted site plan.
- Development of proposed Tract 1 shall require submittal of a development plan for planning commission review and approval prior to new construction.

The vote was 7 in favor and 1 abstention (Cooper). Chairman Sharpe announced this item was approved.

- 8. Variance #16-5-18; A request by Brett Abbott, agent, for Keith Lau, for the following variances: 1.) From 30' to 25' front-yard setback; 2.) From 30' to 25' exterior side-yard setbacks (proposed lots 6A & 6B); and 3.) 10,500 s.f. minimum lot size/4 dwellings per acre to 9,600 s.f. minimum lot size/ 4.6 dwellings per acre at 1001, 1011, & 1021 N. 49<sup>th</sup> Street.**

Ms. Brenda Andrews read the staff report indicating approval of the following variances and the companion development plan will facilitate the development of six duplexes (12 dwelling units) and the subdivision of three lots into six lots. Ms. Andrews stated that the applicant claims hardship and explains that the variance requests would allow vehicle parking under the proposed duplexes and provide the desired unit size. Ms. Andrews further stated that a neighborhood meeting was held on Monday, April 30, 2018, at 2912 Rogers Avenue and indicated that no neighborhood property owners attended this meeting.

Betina Rowsey (1123 N. 49<sup>th</sup> Street), Roberta Parks (1116 N. 49<sup>th</sup> Street), Sandy Diamond (1104 N. 49<sup>th</sup> Street) and Barbara Williams (1201 N. 49<sup>th</sup> Street) were present to speak in opposition of these request. They stated concerns with decreased property value, increased traffic and noise.

Brett Abbott, agent, spoke on behalf of these applications. Mr. Abbott stated that the property owner is proposing these duplexes as University housing for the students. Mr. Abbott further stated that these duplexes would have a new structure, new materials and landscaping to increase the property values. Mr. Abbott stated that each duplex has four bedrooms and the owner proposed to base the rent per bedroom. Commissioner Laster stated this type of arrangement sounded like a multifamily development

Commissioner Don Keesee asked Mr. Abbott if the lot size and shape were suitable for the neighborhood. Mr. Abbott stated that the lot size was suitable for a single family dwelling and the lot shape was rectangle.

Commissioner Kelly Wilson asked Mr. Abbott about the design of the duplexes. She expressed concerns about budget fluctuations and if it would have any impact on the design. Mr. Abbott stated that they have been in contact with the builder and felt confident in the budget cost.

Chairman Sharpe called for a vote on the following variances, subject to the following:

- Contingent upon approval of the companion development plan application.

The vote for the following variances was 6 in favor and 2 opposed (Laster and Newton). Chairman Sharpe announced this item was approved.

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**9. Development Plan #7-5-18; A request by Brett Abbott, agent, for Keith Lau, for a development plan approval for a duplex development at 1001, 1011, & 1021 N. 49<sup>th</sup> Street.**

Chairman Sharpe called for a vote on the development plan, subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

The vote for the development plan was 6 in favor and 2 opposed (Laster and Newton). Chairman Sharpe announced this item was approved.

There being no further items, the meeting adjourned at approximately 6:45 p.m.